

Legislative Fiscal Bureau

Fiscal Note

SF 414 - No Fault Divorce Reform (LSB 2795 SV)

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Fiscal Note Version — New

Description

Senate File 414 relates to requirements related to marriage and dissolutions of marriage. A marriage license will not be granted if the parties have not completed and provided documentation of completion of a minimum of 12 hours of premarital education. If there is any minor child whose welfare may be affected by the controversy, both parties must agree to the dissolution. The District Court is required to order parties to participate in mediation in any dissolution of marriage action. A decree dissolving a marriage will not be granted before 365 days have elapsed from the original notice. A decree dissolving a marriage will not be granted if a minor child is affected by the divorce and both parties do not agree to a dissolution or if the court determines that the dissolution is not in the best interest of a minor child.

Assumptions

1. This law will become effective July 1, 2003. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
2. There are approximately 23,000 applications for marriage annually.
3. Under current law, the cost for a marriage license is \$35.00. The current revenue the State receives for a marriage license is \$31.00 and the counties maintain \$4.00.
4. There are approximately 14,000 dissolutions granted per year. About half of these are handled with trials and half are handled without a trial. In calendar year 2002, there were 2,600 dissolutions and 425 modification hearings that involved child custody disputes.
5. The average time a District Court Judge, court reporter, and court attendant spends on domestic matters is 103 minutes per case. The average cost per case is \$170. Senate File 414 may add between several hours to several days of court time.
6. A decree dissolving a marriage will not be granted before 365 days have elapsed from the original notice.
7. A decree dissolving a marriage will not be granted if a minor child is affected by the divorce and both parties do not agree to a dissolution or if the court determines that the dissolution is not in the best interest of a minor child.

Correctional Impact

There is no readily available information with which to estimate the increased convictions that would occur under SF 414, therefore, the correctional impact cannot be determined. If a person continued in a marriage relationship where physical or sexual abuse is occurring (which would have otherwise been dissolved under current law), it would be reasonable to expect a correctional impact on court caseloads, prisons, jails and Community-Based Corrections resources due to increased criminal convictions for abuse-related offenses.

Fiscal Impact

Senate File 414 may increase costs to the Judicial Branch. However, due to insufficient information, the fiscal impact cannot be determined. The average time for the Judicial Branch to hear a trial on domestic matters is 103 minutes. The average cost for one case is \$170. If three

additional hours were added for one case, the cost per case would be \$416. If three days were added for one case, the cost per case would be \$2,000.

A marriage license will not be granted if the parties have not completed and provided documentation of completion of a minimum of 12 hours of premarital education. The fiscal impact regarding the number of people who would choose to be married in another State cannot be determined. The State revenue for each marriage license is \$31.00.

Sources

Judicial Branch
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Attorney General
State Public Defender

/s/ Dennis C Prouty

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
